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OFFICE OF PETITIONS

In re Patent No. 6,806,401	:	DECISION ON
Zheng, et al.	:	PATENT TERM ADJUSTMENT
Issue Date: October 19, 2004	:	AND NOTICE OF INTENT
Application No. 10/024,806	:	TO ISSUE
Filed: December 19, 2001	:	CERTIFICATE OF
Attorney Docket No. 35718/241887	:	CORRECTION

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT INDICATED ON PATENT (37 C.F.R. § 1.705(d))", filed December 17, 2004. Patentees request that the patent term adjustment indicated on the patent be corrected from ninety-one (91) days to two hundred five (205) days.

The request is **GRANTED**.

The patent term adjustment indicated on the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of **two hundred five (205) days**.

On October 19, 2004, the above-identified application matured into U.S. Patent No. 6,806,401. The instant request for reconsideration filed December 17, 2004 was timely filed within two months of the date the patent issued. See § 1.705(d). The Patent issued with a revised Patent Term Adjustment of ninety-one (91) days. Patentees state that the initial determination of patent term adjustment of six hundred two hundred five (205) days should not have been reduced to days for the submission of a "INTERVIEW SUMMARY" after the Notice of Allowance.

The Office notes that the interview summary mailed by the Office on May 26, 2004 expressly required a formal written reply containing the substance of the interview. Accordingly, the "INTERVIEW SUMMARY" will not be considered to be a "failure to engage in reasonable efforts to conclude processing or examination of the application."

In view thereof, the correct determination of PTA at the time of issuance is two hundred five (205) days (223 days of PTO delay reduced by 18 days of applicant delay).

The \$200.00 fee set forth in 37 CFR 1.18(e) has been charged to Deposit Account No. 16-0605, as authorized.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify the error regarding the patent term information. See 35 U.S.C. § 254 and 37 CFR 1.322. The certificate of correction will indicate that the term of the above-identified patent is extended or adjusted by **two hundred five (205) days** subject to any disclaimers.

Telephone inquiries specific to this matter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.



Karin Ferriter
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enc: draft certificate of correction